

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SUZI TRACY,

Plaintiffs,

v.

GREYHOUND LINES, INC.,

Defendant.

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No. 4:20-CV-00921-DGK

**ORDER DISMISSING CASE FOR FAILURE TO COMPLY WITH
DISCOVERY ORDER**

Plaintiff filed this case in Jackson County Circuit Court on October 14, 2020, alleging disability and sex discrimination while travelling via a Greyhound bus. Defendant Greyhound Lines, Inc. subsequently removed the case to this Court.

On January 15, 2021, Defendant served Plaintiff with interrogatories and requests for production of documents. Plaintiff's response, which Greyhound received on April 1, 2021, did not include signed authorizations allowing Defendant to access Plaintiff's relevant medical, psychotherapy, and social security disability records. Joint Memo, ECF No. 23-1. On July 30, the Court ordered Plaintiff to provide the requested authorizations on or before August 30, 2021. ECF No. 23. The Court also warned that Plaintiff that if she "does not sign the requested authorizations before August 30, 2021, the Court will entertain a Rule 37(b) motion to dismiss for failure to comply with discovery." *Id.* at 1. Plaintiff never provided the authorizations.

Now before the Court is Defendant's motion to dismiss this case pursuant to Rule 37(b)(2)(A)(v) as a sanction for Plaintiff's failure to provide the authorizations. Dismissal is available as a sanction for failure to obey a discovery order where 1) the Court issues an order compelling discovery, 2) a party has willfully violated that order, and 3) the other party is

prejudiced as a result. *Schubert v. Pfizer, Inc.*, 459 F. App'x 568, 572 (8th Cir. 2012). Given that the Court ordered Plaintiff to produce the authorizations four months ago, and Plaintiff has neither provided the authorizations nor responded to the instant motion, the Court concludes that Plaintiff has willfully violated its order. The Court likewise concludes that Defendant has been prejudiced, since it has been unable to prepare a defense to Plaintiff's claims.

Defendant's motion to dismiss for failure to comply with the Court's discovery order is GRANTED. Plaintiff's claims are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Date: December 9, 2021

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT